

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claim 1 is presently active in this case, Claim 1 having been amended by way of the present Amendment. Claims 2-16 have been canceled without prejudice or disclaimer.

In the outstanding Official Action, Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Wyne (U.S. Patent No. 6,502,771 B1). For the reasons discussed below, the Applicant requests the withdrawal of the anticipatory rejection.

In the Office Action, the Wyne reference is indicated as anticipating Claim 1, however, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Wyne reference clearly does not meet each and every limitation of the amended independent Claim 1.

Claim 1 currently recites a method for driving an emptying of an induction unit of an agricultural sprayer, where the agricultural sprayer includes a chassis supporting a main tank, a water unit, and a drain valve that connects the induction unit to the main tank via the water unit. The method comprises opening and holding open the drain valve by a user acting with a lower limb on a drive element for emptying the induction unit, and closing the drain valve when the user stops acting on the drive element for stopping the emptying of the induction unit. The Applicant submits that the Wyne reference does not disclose all of the limitations recited in Claim 1.

The Wyne reference describes a device for furnishing stable mounting of removable accessories to a lawn mower, so as to allow a lawn care worker to immediately place into operation the various accessories required during servicing of a lawn, or to remove the same from operation, without too much delay. The invention described in the Wyne reference is described as providing improved automatic operations of a spreader so that all the operator needs to do to initiate a spreading function is simply to press a singular button, thereby allowing the operator to continue to control the tractor and avoid any mishaps that may occur due to lack of attention.

It appears from the discussion in the Wyne reference, e.g., column 2, lines 34-41, that the invention described therein includes an automatic spreader function in which the user presses a contact button to initialize the operation of spreading, which then runs automatically, thereby permitting the user to concentrate on the operation of mowing. In other words, the switch can be toggled between a switch activated position and a switch deactivated position. Thus, the operator can move the switch to the activated position using a single button during operation and concentrate on mowing, and then move the switch to the off position when the operation is completed. Therefore, the operator need not touch the switch during operation, and thus the operator will not be distracted while trying to control the tractor.

Contrary to the teachings of the Wyne reference, the present application recites in Claim 1 a method that comprises opening and holding open a drain valve by a user acting with a lower limb on a drive element for emptying the induction unit, and closing the drain valve when the user stops acting on the drive element for stopping the emptying of the

induction unit. In the Wyne reference, the user acts upon the switch to activate the switch. However, the switch remains active even if the user is no longer acting upon the switch. The switch becomes deactivated only if the user acts upon the switch again to deactivate the switch. The Wyne reference does not disclose or suggest a user opening and holding open a drain valve for emptying an induction unit, or closing the drain valve when the user stops acting on a drive element for stopping the emptying of the induction unit. Accordingly, the Applicant respectfully submits that the Wyne reference does not anticipate Claim 1 of the present application.

The present application advantageously provides a method that provides a simple preparation of a spraying mixture for a sprayer while restricting the risks of an accident. Thanks to the process of controlling the draining of the induction unit using a lower limb, the hands of the operator can be used for manipulation of the drums, for example. Additionally, the face of the operator can be kept at a distance from dangerous products.

The Applicant requests the withdrawal of the anticipation rejection of Claim 1 of the present application.

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2,714,572 in view of Wyne. For the reasons discussed below, the Applicant respectfully requests the withdrawal of the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable

expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness cannot be established in the present case because the references, either taken singularly or in combination, do not teach or suggest all of the claim limitations.

The FR 2,714,572 reference describes an incorporator, the emptying of which is conducted by means of a manually controlled valve. The FR 2,714,572 reference does not disclose or suggest a user opening and holding open a drain valve for emptying an induction unit, or closing the drain valve when the user stops acting on a drive element for stopping the emptying of the induction unit. As noted on page 3, lines 7-11, there is a risk that the drain valve may remain open with the type of hand grip described in the FR 2,714,572 reference as the result of user oversight. Thus, the drain valve does not close when the user stops acting on a drive element for stopping the emptying of the induction unit, and the drain valve is not held open by the user during emptying of the induction unit.

Additionally, as discussed in detail above, the Wyne reference does not disclose or suggest a user opening and holding open a drain valve for emptying an induction unit, or closing the drain valve when the user stops acting on a drive element for stopping the emptying of the induction unit. Thus, neither of the cited references, either singularly or in combination, teaches these features of Claim 1. Therefore, the Applicant respectfully submits that the cited references do not render obvious Claim 1 of the present application.

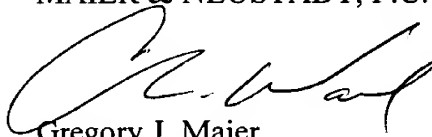
Accordingly, the Applicant requests the withdrawal of the obviousness rejection of Claim 1 of the present application.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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